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June 10, 2022

BY ECF

Hon. P. Kevin Castel
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Rebecca Margolies v. City of New York, et al., 21 Civ. 10839 (PKC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York. I write on behalf of defendants City of New York ("City"), Bill de Blasio, Dermot Shea, and Terence Monahan to respectfully seek clarification of the Court's May 12, 2022 Order, specifically, whether Your Honor contemplated defendants filing a pre-motion conference letter in response to the filing of the Second Amended Complaint or, instead, expected defendants to file a motion to dismiss. To the extent that Your Honor expected the latter, defendants also respectfully request an enlargement of time until July 5, 2022 to do so. Plaintiff consents to such request.

By way of background, on May 5, 2022, defendants requested that the Court schedule a conference in anticipation of defendants' motion to dismiss the First Amended Complaint. ECF No. 19. On May 12, 2022, the Court granted plaintiff leave to file a Second Amended Complaint and indicated that "Defendants may move against the Second Amended Complaint within 21 days after filing. Plaintiff shall respond within 21 days after the filing of defendant's motion and defendants may reply within 10 days of the filing of plaintiff's response to the motion." ECF No. 23. On May 17, 2022, plaintiff filed the Second Amended Complaint. ECF No. 24. According to Your Honor's Order, a submission from defendants would have been due on June 7, 2022. However, the undersigned was assigned this matter on or about May 27, 2022 and, accordingly, on that date requested an enlargement of time until June 14, 2022 to respond to the Second Amended Complaint, as well as a two-week adjournment of the Initial Conference, which the Court granted. ECF No. 25 & 26.

Pursuant to Your Honor's Individual Rule 3(A)(i), a pre-motion conference letter is due to the Court prior to filing all motions. However, the undersigned is also aware that the issue of a motion to dismiss has previously been addressed to the Court. Accordingly, defendants seek clarification on whether the May 12, 2022 Order intended defendants to file a pre-motion conference letter in advance of moving to dismiss or, instead, granted leave for defendants to file their anticipated motion.

To the extent that Your Honor intended defendants to file a pre-motion conference letter, defendants will be prepared to do so by June 14, 2022. However, in the event that the Court anticipated that defendants' motion papers would be filed on June 14, 2022, defendants respectfully request a three-week enlargement of time, from June 14, 2022 to July 5, 2022, to file said motion as the undersigned is continuing to get up to speed on this matter.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Andrea Osgood

Andrea Osgood

Assistant Corporation Counsel

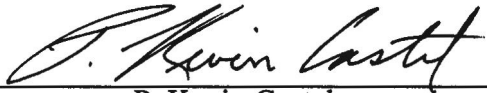
cc: **VIA ECF**

All counsel of record

Defendants may file their motion to dismiss directed to the Second Amended Complaint on or before July 5, 2022.

SO ORDERED.

Dated: New York, New York
June 13, 2022



P. Kevin Castel
United States District Judge